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NOTICE OF ALLOWANCE AND FEE(S) DUE

35830 7590 05/13/2005

LAWRENCE N. GINSBERG
21 SAN ANTONIO
NEWPORT BEACH, CA 92660-9112

EXAMINER

SMITH, JEFFREY A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/13/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,057	03/13/2002	Fong Fatt Chee	1126.P001US/HCH/DCM	6716

TITLE OF INVENTION: METHOD AND SYSTEM FOR FACILITATING DELIVERY AND PICKUP OF GOODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	08/15/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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35830 7590 05/13/2005

LAWRENCE N. GINSBERG
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NEWPORT BEACH, CA 92660-9112

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(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$700	\$0	\$700	08/15/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
SMITH, JEFFREY A	3625	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

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Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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LAWRENCE N. GINSBERG 21 SAN ANTONIO NEWPORT BEACH, CA 92660-9112				
EXAMINER SMITH, JEFFREY A				
ART UNIT 3625			PAPER NUMBER	
DATE MAILED: 05/13/2005				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 281 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 281 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

10/088,057

Examiner

Jeffrey A. Smith

Applicant(s)

CHEE, FONG FATT

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3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 7/17/2003 and Ex. Amend. of 5/2/05.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 13 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

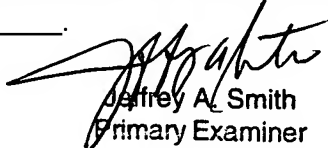
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/2/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Jeffrey A. Smith
Primary Examiner

Application/Control Number: 10/088,057

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Examiner's
J. Ellis
Page 2

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Lawrence N. Ginsberg on May 2, 2005.

In the Claims

✓ In claim 6, line 1: --or pickup-- has been inserted after "delivery".

✓ In claim 7, line 1: "wherein said notifying step comprises" has been changed to --and further comprising--.

✓ In claim 7, line 2: "said drop off" has been changed to --a drop off of said good--.

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REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance.

Regarding claim 1

The prior art of record neither anticipates nor fairly and reasonably teaches a system for facilitating a delivery and pickup of goods comprising, *inter alia*, a plurality of locker modules, each of said locker modules having a user-identifying device; and a system controller independent from the plurality of locker modules, the system controller having an application server.

Before a discussion of the relevant prior art, it is necessary to shed light on the terms "independent" and "application server".

The system controller of the instant invention is established as an element of the system which is discrete from other elements of the system.

Claim 1, for example, effectively recites a network of discrete PC terminals (i.e. those of a customer entity, those of a vendor entity, and those of a delivery agent entity) which are communicably connected to a plurality of locker modules via a

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discrete system controller having an application server. This networked arrangement functions to permit the various entities to facilitate a leasing process that allows for the performance of necessary functions on behalf of various entities in order to facilitate the delivery and pickup of goods.

To this end, Applicant teaches that "[t]he role of the system controller 40 always remains the same--as the facilitator of the transactions" (page 11, lines 24-25). Applicant further states in the "Remarks" filed July 17, 2003, that the "system controller is an independent party rather than a part of the locker module" (at page 4).

Additionally, the Examiner notes that, the system controller has an application server which "contains all of the programs for controlling the delivery and pick-up system" (page 10, lines 19-20). Accordingly, the application server is not dedicated, either structurally or logically, to any one of the locker modules or the PC terminals of the recited entities, but to each of the locker modules and PC terminals of the recited entities.

Now comes the most relevant prior art of record in the form of Porter (U.S. Patent No. 6,426,699) and Tsukuda (U.S. Patent No. 6,085,170).

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Porter does disclose "unique employee codes", for example, which are verified by the system controller (col. 2, lines 30-46) and serve to identify which delivery person is making a delivery. Such codes are stored locally at the system controller memory (col. 7, lines 46-50). The system controller is not disclosed as being independent from the locker module and, indeed, Porter discloses that the storage device (10) (including the communication apparatus (16) which includes the system controller (46)) is intended to be a "stand-alone unit for placement near the home or business" (col. 3, lines 48-51).

This teaching does not lend itself to the proposition that the system controller could reasonably be independent from the locker module. Further, although Porter discloses the use of a wide area network for the purposes of relaying messages and updates between the system controller and vendor, for example (see col. 6, lines 16-28), this disclosure does not reasonably establish a network of the type that would lend itself to the implementation of a system controller independent from the locker modules having an application server. For such a proposition to be realized, the "stand-alone unit" of Porter would have to be compromised in a manner that places the system controller independent from the control of the locker module of

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the homeowner or business and places it under the control of a system controller having an application server.

Tsukuda does disclose two servers identified, respectively, as a "distribution server" and an "agent server" (col. 3, lines 51-56). It is noted that the "distribution server" is associated with a distributor entity; while the "agent server" is associated with an agent entity. The respective servers are in communication with each other across a network (see Figs. 1, 12, and 19). Assuming, *arguendo*, that one or the other of these servers could be construed as constituting an "application server", at least in name: it does not appear that any one of these servers can be reasonably interpreted as providing the functionality of the application server of the type intended by Applicant--i.e., one which contains all of the programs for controlling the delivery and pick-up system.

Further, Tsukuda does not disclose a plurality of locker modules, each of said locker modules having a user-identifying device. Instead, Tsukuda employs a "contract code" which is used to identify the goods or the package being delivered--rather than a user. For example, input of the contract code allows a user to retrieve a good from a locker module (col. 11, lines 2-8). It is important to recognize, however, that such code does not serve to identify the user. Anyone knowing the

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"contract code" may have access to the locker module without discrimination.

Together, these references do not provide sufficient structure and motivation to sustain a reasonable obviousness conclusion for the system recited in claim 1. This is because Porter does not lend itself to the incorporation of an independent system controller having an application server (as discussed above); and because Tsukuda both fails to reasonably disclose a system controller having an application server (as such), and is specifically designed for locker module access control that is dependent on a good-identifying "contract code"-without concern for the identity of a locker module user.

Other combinations of the prior art of record suffer similar deficiencies in both structure and motivation.

Regarding claim 6

The prior art of record neither anticipates nor fairly and reasonably teaches a method of making a delivery or pickup of a good using a system for facilitating a delivery and pickup of goods comprising, *inter alia*, a plurality of locker modules, each of said locker modules having a user-identifying device;

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and a system controller independent from the plurality of locker modules, the system controller having an application server, said method comprising, *inter alia*, the steps of: receiving, by said system controller, a request for use of a locker unit for said deliver or said pickup of said good; and reserving, by said system controller, said locker unit in response to said receiving step.

As discussed above with regard to claim 1, neither Porter nor Tsukuda nor any other prior art of record anticipates or fairly and reasonably teaches the system of claim 1 (which is used in the method of claim 6). It follows, then, that the method steps which actively recite the use of the novel and non-obvious system is, likewise, novel and non-obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komei discloses a delivered article storage control system.

Fong et al. (US 2004/0015393) names a common inventor to that of the instant invention and discloses similar subject matter.

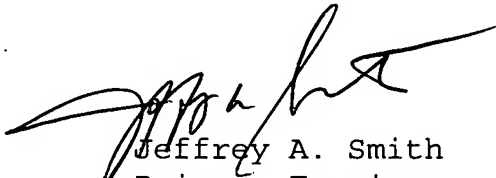
"ShopLink Invests \$25 Million in Information Technology for National Expansion"; Business/Technology Editors; Business Wire; New York NY; Sep 7, 1999; pg. 1 reports on ShopLink which provides e-commerce ordering and unattended deliveries.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas